

REMARKS

Status of the Claims

Claims 1-20 are pending. Claims 1-3 have been amended to without changing the scope thereof but to emphasize that the process as now claimed requires that the reaction occur in the presence of water. No new matter has been introduced.

Summary of the Invention As Now Claimed

The claims has now amended are directed to processes for the production of alkoxyated alkyl and/or alkenyl polyglycosides. An important aspect of the invention as now claimed resides in the requirement that the reaction take place “in the presence of more than 5% by weight of water.” Thus, as explained in detail hereinafter, one important feature of the invention as now claimed is the presence of this minimum amount of water during the reaction step. Applicants respectfully submit that this requirement is nowhere taught or even suggested in the art cited by the Examiner.

Rejections under 35 U.S.C. § 102(b)/103(a)

Claims 1-20 were rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being obvious over, Roth et al. (U.S. Patent No. 4,834,903, “Roth”).

Roth relates to alkylene oxide adducts of alkylpolyglycoside surfactants and detergent compositions containing them. The adducts may be prepared by reacting alkylene oxide with long chain alkylpolyglycosides. The reaction is conducted at an elevated temperature (from about 120° to about 170°C) with the aid of a base catalyst. An important and essential feature of the invention as described in Roth et al. is that the reaction is conducted **in a water free environment**. More specifically, Roth teaches that the reaction described therein should be conducted under **substantially anhydrous** conditions. (See, col. 5, lines 23-33).

The Examiner correctly stated that alkoxyated alkylpolyglycosides are present in Roth’s liquid detergent **compositions**, which comprise 35-65% by weight of water. Applicants respectfully submit, however, that this disclosure is not relevant in any way to the subject matter of the invention as now claimed. More specifically, applicants respectfully point-out that the subject matter of the claims as now presented is directed to processes which

comprise a **reaction carried out in the presence of water**. In stark contrast, the portion of Roth et al. cited by the Examiner has nothing to do with chemical reactions; rather, the passage of Roth et al. cited by the Examiner relates simply to a composition that happens to include water. Such a teaching can provide no guidance or suggestion whatsoever as to what percentage of water could or should be included as part of a reaction step. Thus, the amount of water described by Roth et al. in this passage cannot in any way teach or suggest the amount of water that is required in the reaction as now claimed.

Applicants claim a unique **process** that is water tolerant, instant claim 1 specifying more than 5% by weight of water in the synthetic process and claims 2 and 3 specifying water contents of about 10% to about 80%, and about 30% to about 60%, respectively. Claims 1-3 have been amended to more clearly specify the presence of water in the reaction. The presence of a substantial amount of water in Applicant's process is in contrast to Roth's synthesis which "is conducted under substantially anhydrous conditions such that water, if present at all, does not exceed more than 5 (and is preferably less than 1) weight percent of the total reaction mixture" (col. 5, lines 29-33). The Examiner is directed to Example 1, wherein the alkylpolyglycoside starting material ("Product A") for the alkoxylation reaction, consists of 25.7% of dodecyl alcohol, 8.2% of butyl glucoside, 66.1% of dodecyl glycoside and 0.21% of sodium methoxide, which components add up to a total of 100.21%, with no water.

The Examiner also stated that it is his "position that the alkyl polyglycosides used in Roth et al. would inherently contain at least 10% by water, since applicant's specification discloses that alkyl polyglycosides are commercially available as water containing preparations that contain at least 10% by water" (Office Action, p. 3, top paragraph). However, the fact that a commercial product may be purchased containing water (for viscosity and transfer properties as disclosed by Applicants) does not have any relevance whatsoever to the teachings of Roth et al. Even if the Examiner were entitled to presume that Roth et al. purchased such commercially available product to conduct the experiments disclosed therein, and there is certainly no basis for such a presumption, it would be improper to conclude that the reactions of Roth et al. were conducted in the presence of water. Such a conclusion cannot logically stand in view of the teachings of Roth et al. requiring a substantially anhydrous reaction conditions. The only logical conclusion to be drawn from

Reply To Office Action dated July 3, 2008
Attorney Docket No. C 2878 PCT/US (P40086 USA)

the presumption that Roth et al. purchased product with water in it, assuming such presumption had validity (which it does not), would be that the water was simply removed by Roth et al. prior to conducting the reaction. This conclusion would also be consistent with the Examples of Roth et al. In this regard, the Examiner is respectfully directed to Example 1 of Roth et al. in which the alkylpolyglycoside starting material ("Product A") contains no water.

Conclusion

In summary, Roth teaches away from the process as claimed. Since one skilled in the art at the time of the invention would not have found it obvious, after reading Roth, to arrive at the present invention with any reasonable expectation of success, absent the benefit of Applicants' disclosure, the rejections should be withdrawn. Reconsideration and withdrawal of the rejections are respectfully requested.

If any additional fees are required to further the prosecution of this application, the Office is authorized to charge such fees to Deposit Account No. 19-5425.

Respectfully submitted,

Date: October 3, 2008

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